

EXHIBIT 6

Declaration of Maureen Sharp

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
WESTERN DIVISION**

STATE OF KANSAS, *et al.*,

Plaintiffs,

v.

UNITED STATES OF AMERICA, *et al.*,

Defendants.

Civil Action No. 1:24-cv-150-DMT-CRH
Judge Daniel M. Traynor

DECLARATION OF MAUREEN SHARP

I, Maureen Sharp, pursuant to 28 U.S.C. § 1746, hereby declare that the following is true and correct:

1. I am the Chief Analytics Officer at the Arizona Health Care Cost Containment System (“AHCCCS”) Administration, which is Arizona’s Medicaid agency.
2. My educational background includes a Bachelor of Science in Business Administration and a Masters of Public Health. I have been employed as Chief Analytics Officer since March 6, 2023.
3. I submit this Declaration regarding the Final Rule, 89 Fed. Reg. 39,392, issued by the U.S. Department of Health and Human Services and Centers for Medicare and Medicaid Services permitting Deferred Action Childhood Arrivals (“DACA”) recipients to enroll in a qualifying health plan through an exchange pursuant to the Affordable Care Act (“ACA”). I have compiled the information in the statements set forth below through personal knowledge, through AHCCCS personnel who have assisted me in gathering this information from our agency, and on the basis of documents that have been provided to and/or reviewed by me.

AHCCCS

4. AHCCCS is Arizona's Medicaid agency that offers health care programs to serve Arizona residents who meet certain income and other requirements. AHCCCS' mission is to help Arizonans live healthier lives by ensuring access to quality healthcare across all Arizona communities.
5. AHCCCS is the largest insurer in Arizona, covering more than 2,033,720 individuals. It uses federal, state, county, and other funds to provide health care coverage to the State's Medicaid population. It also provides certain emergency health care services to uninsured individuals through the Federal Emergency Services Program ("FESP").
6. Data collection allows AHCCCS to effectively administer its programs and assist in public health planning. AHCCCS collects and analyzes data regarding the utilization of its various programs, including the FESP, to identify trends, assess community health needs, and inform policy decisions.

Federal Emergency Services Program

7. AHCCCS provides certain emergency medical and behavioral health care services through the FESP for uninsured qualified and nonqualified aliens, as specified in 8 USC § 1611 *et seq.* who meet all requirements for Title XIX eligibility as specified in the State Plan except for citizenship. *See also* A.R.S. § 36-2903.03. Uninsured DACA residents are eligible for FESP emergency care services.
8. The FESP covers emergency medical or behavioral health conditions, meaning a medical condition or a behavioral health condition, including labor and delivery, manifesting itself by acute symptoms of sufficient severity, including severe pain, such that the absence of immediate medical attention could reasonably be expected to result in:

- a. Placing the member's health in serious jeopardy;
- b. Serious impairment to bodily functions;
- c. Serious dysfunction of any bodily organ or part; or
- d. Serious physical harm to self or another person.

See A.A.C. § R9-22-217.

9. In SFY2024, 519 DACA recipients in Arizona received emergency medical or behavioral health care services through the FESP. The care provided to these 519 individuals resulted in a total cost of \$1,849,758. At the time these expenditures were made, the State share of this cost was \$501,411 and the federal share of this cost was \$1,348,347.
10. Individuals receiving FESP services are not enrolled in health plans. AHCCCS does not pay for FESP services for DACA residents in Arizona that obtain health insurance through the ACA. Thus, if more DACA residents in Arizona obtained health insurance, including through the ACA, AHCCCS would likely be able to reduce its financial costs for emergency care services spent on those individuals via the FESP.
11. By expanding access to affordable and adequate health insurance coverage through the ACA to DACA recipients, the Final Rule would likely lower the emergency care costs AHCCCS incurs through the FESP.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 14th day of January, 2025, in Phoenix, Arizona.

Maureen.Sharp
Digitally signed by
Maureen.Sharp
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Maureen Sharp
Chief Analytics Officer
Arizona Health Care Cost Containment
System Administration